

MEMORANDUM ENDORSEMENT

Dimps v. Taconic Correctional Facility

17-cv-8806-NSR

The Court is in receipt of *pro se* Plaintiff Shirley Dimps' motion for reconsideration dated December 5, 2024 (ECF 167) (attached hereto).

The Government is directed to serve (not file) any opposition papers by January 13, 2025; *pro se* Plaintiff is directed to serve any reply papers by February 3, 2024. The Government shall file all papers (including *pro se* Plaintiff's papers) on the reply date, February 3, 2024.

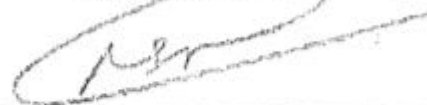
The status conference scheduled for January 16, 2025 is adjourned pending resolution of the instant motion.

The Clerk of Court is kindly directed to mail a copy of this Endorsement to *pro se* Plaintiff at the address listed on ECF and to show service on the docket.

Dated: December 16, 2024

White Plains, NY

SO ORDERED:



NELSON S. ROMÁN
United States District Judge

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/16/2024

United States District Court
Southern District of New York

FILED
U.S. DISTRICT COURT
2024 DEC -5 AM 11:40
S.D. OF N.Y.W.P.

SHIRLEY DIMPS
SHIRLEY DIMPS, CSEA Local
President (Until 6/2017)

Plaintiff,

MOTION/MOTION TO COMPEL
Civil Action No. 7:17-cv-08806
(NSR) (AEK)

VS

Do you want a jury trial? Yes

**NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION (DOCCS)**

Defendants,

X

PLEASE TAKE NOTICE that the Plaintiff Shirley Dimps move this Court before Honorable Andrew E. Krause (the Judge) of the United State District Court for the Southern District of New York, at the United States Courthouse located at 300 Quarropas Street, White Plains, New York 10601.

The MOTION is in reference to the Second Amended Complaint as well as other issues.

The Conference

As per the December 2, 2024, Court conference in which Plaintiff/Pro Se request for Pro Bono Counsel was denied. Plaintiff/Pro Se has indicated on numerous occasions that this is a complex case and feels the need to be represented by a Pro Bono Attorney at this point. Plaintiff/Pro Se is requesting that the U.S. District Court allow plaintiff/pro se time to search for a Pro Bono Attorney to represent the Plaintiff/Pro Se because plaintiff/pro se feels that interrogatories by the Attorney General/Defendants were designed to trap plaintiff/pro se into perjury. Plaintiff /Pro Se needs help from Pro Bono to guide plaintiff/pro se on how to answer the interrogatories without risking to perjury. Plaintiff/Pro Se had answered the interrogatories from the best of plaintiff/pro se knowledge and ability. Plaintiff/Pro Se is unclear on the interrogatories and the verification of them and needs help from an attorney.

The Deposition

Plaintiff/Pro Se is requesting the Court to allow for the pro bono attorney to help plaintiff/pro se with the deposition with the attorney general/the defendants.

Plaintiff also feels that the deposition may be designed to trap plaintiff/pro se into

perjury. The Pro Bono Attorney can guide the plaintiff/pro se as well as being in the position to object if plaintiff/pro se is being asked non-relevant questions at the deposition. Plaintiff/pro se will find a Pro Bono Attorney. Once the plaintiff/pro se has located a Pro Bono Attorney, the plaintiff will be in the position to depose the plaintiff/pro se witnesses as well.

Criticism at the Conference

The plaintiff provided the names of witnesses, the types of communication such as emails and letters, plaintiff/pro se provided the actual documents involved in the incidents for each witness but Your Honor indicated this was not what Your Honor wanted but plaintiff provided facts. If plaintiff/pro se indicates, what plaintiff think each witness has knowledge of it may not be the correct facts (only the witnesses know their facts of the incident). This is why we are testifying in Court. Plaintiff was trying to provide facts to the best of plaintiff's knowledge and ability. This is another reason why plaintiff/pro se is requesting that the Court allow time for a Pro Bono Attorney to be found. This motion is to protect plaintiff/pro se rights.

Plaintiff is expected to provide but the Defendants/Attorney General does not

The Plaintiff's First Set of Interrogatories and Requests for the Production of Documents to the Defendants/Attorney General has not been provided in reference

to others for the plaintiff to prove this case (See attached). DOCCS should comply. Other such documents are needed such as individual hire date, promotional date, how they were such as was it by transfer, reassignment, provisional appointment and/or by civil service and list numbers and their score on the exams. What was the racial makeup of the individuals Caucasian or Asian descent (Indian) as well as the seniority status. These are documents/information that are being withheld.

Note: Documents from the Office of Diversity Management are missing such as EHS (Employee Health Service) for plaintiff/pro se hearing status which was conducted by Dr. Atrick. Plaintiff never received a copy of the hearing report from the Taconic/DOCCS as well as documents about Worker Compensation due to chronic skin condition. The plaintiff is requesting these documents. Plaintiff has requested a copy of the Department and the Equal Employment Opportunity Commission unsatisfactory complaint against the Dept. which alleged an unlawful discriminatory practice related to employment. DOCCS should provide complete copies of all the documents attached to this complaint located in the Second Amended Complaint. The Plaintiff is requesting the U.S. District Court to compel the Defendants/Attorney General to provide these documents to the Plaintiff/Pro Se. If these documents are not received, the Plaintiff will file a Motion for Sanctions.

Not Just About the Plaintiff/Pro Se

Your Honor indicated this case was about the Plaintiff/Pro Se but if you were to look at the “Civil Case Discovery Plan and Scheduling Order” (attach) it indicates:

Shirley Dimps

Shirley Dimps, CSEA Local President (Until 6/2017)

U.S. Court of Appeals for the Second Circuit which issued the MANDATE on 05/04/2020 has the above Caption (attach). This case is not just about Shirley Dimps but about other issues as well that have been ignored by the Courts.

The plaintiff is requesting that the original Caption be reinstated due to its significance role as plaintiff/pro se as the Local President of 176 at Taconic C. F.

Into another Forum

As the District Court has indicated that this case is about racial discrimination, but the plaintiff/pro se case was about many other issues which was dismantled by the Courts. The issues such as retaliation/harassment, hostile work environment, ADA Claim, ADEA, NYSHIRL, Taylor Law, N.Y. Civ. Serv. Law section 209a, and dismissal of the other entities being suited which is not limited to. These issues

now may be a matter for the U. S. Department of Justice and a complaint can be filed. This case is about racial discrimination but should be about more if this case was handled correctly by the Courts.

Mental Health Documents

The Attorney General indicated in Court on December 2, 2024, that DOCCS did not provide any mental health documents. The Montefiore Medical Center had no reason to withhold this information. Montefiore may not have had all the documents/information (others may be in storage) but this piece they did (see attached) and DOCCS should have had these documents.

CONCLUSION

Once the Motion/Motion to Compel issues are addressed, Plaintiff/Pro Se is requesting the Court to delay proceeding until plaintiff /pro se can secure legal representation just like the defendants.

Note:

Honorable Andrew E. Krause,

The plaintiff is writing to formally inform the Court of Plaintiff/Pro Se current situation (see above) and plaintiff intention given the complexity of this case and plaintiff concerns regarding the fairness of the proceedings. I appreciate the U. S.

District Court understanding and patience in this matter.

Dated: December 5, 2024

Bronx, New York

A handwritten signature in black ink, reading "Shirley A. Dimps-Hall", written over a horizontal line.

Shirley A. Dimps-Hall
20 West Mosholu Pkwy. South
Bronx, New York 10468
(347) 641 – 7250
shirleydimps93@gmail.com

TACOMEDONT FAC
RECEIVED

APR 21 2008

PERSONNEL

MONTEFIORE



DATE:

4/18/08

PATIENT NAME:

Shirley Dimps

Please note that the above named patient was seen at this facility on

4/18/08

He/She may return to work/school on

4/21/08

If you should have any questions or require further information, please call 718-933-2400.

Sincerely,

Fred B. [Signature]

MMG FAMILY HEALTH CENTER
360 EAST 193RD ST.
BRONX, N.Y. 10458
718-933-2400

plaintiff 000434

Montefiore

Montefiore

111 210th Street Bronx, NY 10467
7189206266 Fax: 000-000-1234

August 14, 2024

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Social Workers Note

Shirley DIMPS

Female DOB: 01/27/1954

MRN: 01049652

Home: (347) 641-7250

Ins: BLUE CHO (742)

06/23/2010 - Social Workers Note: Pt Continues to Experience Environmental Stress at Work
Provider: Frederick Brandenberger, LCSW
Location of Care: Family Health Center

SOCIAL WORKERS NOTE:

Length of session: ____ Session number: ____ out of ____.

Ms. Shirley Dimps came in as a walk in session requesting to speak w/ this worker. The pt has not been seen for some time (last session 10/13/08). Ms. Dimps has hx of environmental psychosocial stress in her place of employment i.e. assigned to work switchboard with her hearing impairment, pt also believes she has not been able to earn promotion due to office politics.

Ms. Dimps discussed how she has been elected as the Local President of her union and was in the process of going to Federal court regarding her grievances with her dept's ethics pertaining to her position not changing. The pt stated, "how can I be assigned as a switchboard operator with hearing loss, it doesn't make sense". The pt mentioned passing civil service exams which qualified her for promotions which she never received after applying through proper channels.

Ms. Dimps reported going through the Dept of Human Rights Commission and informing her union about her presenting concerns. The pt ventilated her stress about the matter.

Ms. Dimps requested more frequent sessions with this worker to ventilate her stress about her presenting issues.

This worker validated the pt's presenting issues and ongoing struggle. The pt was provided with ego supportive counseling. The pt was directed to schedule a follow up session with this worker.

DIAGNOSIS/IMPRESSION: 56F PMH HTN hyperchol latex allergy w/chronic leg ulcer chronic LE ulcer 2/2 latex allergy- follows with dermatology, went last week was given antibx for leg ulcer. Will be going for patch testing with Allergy 6/10. Next f/u with derm 5/10.

HTN- taking metoprolol 50, amlodipine 5, tooks meds today, needs script

Hyperchol- taking simvastat 10, needs script

Environmental Psychosocial Stressors

Ms. Dimps was A + O x 3. Pt was in a cheerful mood and presented with an appropriate affect. The pt was groomed and casually dressed. The pt's thought content was intact. The pt denied experiencing any suicidal and or homicidal ideation. The pt denied experiencing psychosis. The pt is experiencing ongoing stress working at switchboard

Montefiore

Montefiore

111 210th Street Bronx, NY 10467
7189206266 Fax: 000-000-1234

August 14, 2024

Page 2

Social Workers Note

Shirley DIMPS	Home: (347) 641-7250
Female DOB: 01/27/1954	MRN: 01049652
	Ins: BLUE CHO (742)

at work with hearing loss. Pt is concerned that she is placed in position that could get her into trouble if she doesn't list carefully to phone calls. Pt so far has been working 5 yrs in dept and has been elected as local union president. Pt has pending Federal court hearing and is optimistic that she will receive justice.

TREATMENT PLANS:

The pt will keep her scheduled medical and specialty care appointments. The pt will adhere with her prescribed meds. The pt will return for a follow up session with this worker.

Fred Brandenberger, LCSW
Psychosocial Service

Electronically Signed by Frederick Brandenberger on 06/24/2010 at 4:17 PM

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

CAPTION:

Shirley Dimp's,
 Shirley Dimp's, CSEA Local President,
 (until 6/2017)

CERTIFICATE OF SERVICE*

Docket Number: 19-975

- V.
 - Taconic Correctional Facility, TAC
 - New York State Department of Corrections
 and Community Supervision, DOCS
 - New York State Department of Civil Service, CS
 - CSEA, INC./CSEA (Civil Service Employees Association, Inc.)

I, Shirley Dimp's, hereby certify under penalty of perjury that
 (print name)
 on May 17, 2019, I served a copy of (Motion to Amend)
 (date) (caption)
 (list all documents)

by (select all applicable)**

☐ Personal Delivery☒ United States Mail☐ Federal Express or other
Overnight Courier☐ Commercial Carrier☐ E-Mail (on consent)

on the following parties:

ATTN: Mr. David Lawrence, III (Assistant Solicitor General)

- ①
- New York State office of the Attorney General, 28 Liberty St., New York, N.Y. 10005

Name	Address	City	State	Zip Code
for Defendants:	Taconic Correctional Facility			
	NYS Dept. of Corrections and Community Supervision			
	NYS Dept. of Civil Service			

Name	Address	City	State	Zip Code
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- ②
- CSEA, INC./CSEA (Civil Service Employees Association, Inc.), 143 Washington Ave,

Name	Address	City	State	Zip Code
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P.O. Box 7125, Albany, N.Y. 12210

Name	Address	City	State	Zip Code
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ATTN: Leslie C. Perrin for CSEA, INC./CSEA (Civil Service Employees Association, Inc.)

*A party must serve a copy of each paper on the other parties, or their counsel, to the appeal or proceeding. The Court will reject papers for filing if a certificate of service is not simultaneously filed.

**If different methods of service have been used on different parties, please complete a separate certificate of service for each party.

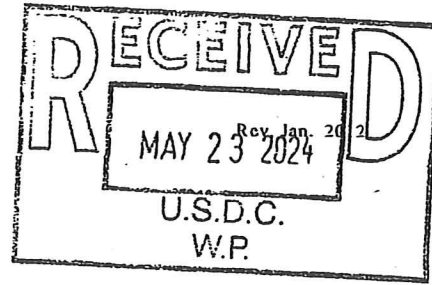
May 17, 2019

Today's Date

Shirley Dimp's Pro Se
 Signature

May 17, 2019, Clerk's office, U.S. Court of Appeals

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Shirley Dimpf,
Shirley Dimpf, CSA Local
President (until 6/2017) Plaintiff(s),
- against -

CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER

NEW YORK State Department
of Corrections and
Community Supervision (DOCS) Defendant(s).

1:17 CV 08806 (NSR)

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [do not consent] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [is] [is not] to be tried to a jury.
3. Joinder of additional parties must be accomplished by _____.
4. Amended pleadings may be filed until _____.
5. Interrogatories shall be served no later than _____, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 [shall] [shall not] apply to this case.
6. First request for production of documents, if any, shall be served no later than _____.
7. Non-expert depositions shall be completed by _____.
 - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
 - b. Depositions shall proceed concurrently.
 - c. Whenever possible, unless counsel agree otherwise or the Court so orders,

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHIRLEY DIMPS
SHIRLEY DIMPS, CSEA Local
President (Until 6/2017)

PLAINTIFF,

CIVIL ACTION NO.
7:17-CV-08806 (NSR)
**Plaintiff's First Set of
Interrogatories and
Requests for the
Production of
Documents to
Defendants'**
Jury Trial (Demand)

NYS DEPARTMENT OF CORRECTIONS AND
COMMUNITY SUPERVISION, (DOCCS)

DEFENDANT,

**Plaintiff's First Set Interrogatories and Requests for the Production
of Documents to Defendant/s**

Pursuant to Rules 26, 33, and 34 of the Federal Rules of Civil Procedure,
The defendant shall answer, under oath, the following interrogatories,
and produce copies of the following documents, within thirty (30) days
of this discovery request to:

SHIRLEY A. DIMPS-HALL, PLAINTIFF/PRO SE
20 West Mosholu Parkway South, Tower A, 31C
Bronx, New York 10468
shirleydimps93@gmail.com
(347)641-7250

1. Portions of this document were prepared with assistance from the New York Legal Assistance Group's Legal Clinic for Pro Se Litigants in the SDNY.

DEFINITIONS and INSTRUCTIONS

1. The provisions of Local Rules 26.2, 26.3, 33.1, 33.3 relating to claims of privilege, uniform definitions, references to records, and interrogatories apply to and are incorporated by reference.
2. "Records" refers to any document/s or electronically stored information ("ESI") in any form whatsoever in the possession, custody or control of the defendant that is used, has been used, or may be used relative to plaintiff's civil case, qualifications for employment, promotion, transfer, compensation, or disciplinary action. Records also include any documents or ESI in any form whatsoever in the possession, custody or control of a person, corporation, partnership, or other entity that keeps or supplies records for the defendant/s.
3. The answers to these interrogatories shall be promptly supplemented and amended as required by Rule 26(e) of the

Federal Rules of Civil Procedure.

4. In the event that an answer to any interrogatory is made by reference to records from which the answer may be derived or ascertained, as permitted by Rule 3.3(d) of the Federal Rules of Civil Procedure, provided the information required by Local Rule 33.1 and make the documents or ESI referred to available for inspection and copying within fourteen (14) days after the service of answers to these interrogatories as required by Local Rule 33.1(d).
5. If any document called for by any request had been in the possession, custody or control of Defendants at any time but has since been destroyed or altered, in whole or in part Defendants are requested to submit in lieu of each such document a written statement which (i) describes in detail the nature of the document and its contents, (ii) specifies the date on which the document was prepared and/or transmitted, (iii) states the name and address of the each person who created, prepared, or reviewed the document, (iv) states the name and address of each recipient of the

document, (v) sets forth the request to which the document is responsive, (vi) specifies, if possible, the date on which the document was lost or destroyed, and, if destroyed, the conditions of and reasons for such destruction, and (vii) states the name, address, and telephone number of each person who requested, Authorized, or performed such destruction or alteration.

6. If any document request cannot be complied with in full, it shall be complied with to the extent possible with an explanation as to why full compliance is not possible.

INTERROGATORIES

1. Identify the names of all witnesses known to the defendants who have knowledge of the information relevant to the subject matter of the action.
2. Provide pertinent insurance agreements or other information of a similar nature for any damages.
3. Identify all relevant documents, any and all other relevant documents, physical evidence, or information of a similar nature, known to the defendants relevant to the subject matter

of the action, including its location, custodian, description of each.

4. Identify all persons with discoverable information related to the subject matter of Plaintiff's Second Amended Complaint, including, but not limited to.

a) The work environment in Business Office, Switchboard Policy and locations as well as Switchboard Schedule, Guidance Dept., Medical Dept., State Shop, and the Storehouse.

b) Any adverse employment actions against plaintiff, including any investigations and/or disciplinary actions against plaintiff.

c) The altercation between plaintiff and co-workers in Taconic C. F.

d) The procedures that Defendant/s uses for investigating and imposing disciplinary action against employees.

5. Identify the source of information, including the name of any person or description of any document or physical item/s, for each of the answers to these interrogatories.

DOCUMENT REQUESTS

1. All documents identified in Defendant's initial disclosures.
2. Emails, Labor/Management documents, DOCCS/ODM (Office of Diversity Management documents, Grievances (original) and Out-of-Titles Grievances, New York District IMS Data Entry Form Resolution Report (Government Deliberative Process) by the EEOC and any other documents submitted by the EEOC at any time from 2000 to 2020 which is not limited to (specially the document/s from EEOC claiming Taconic C. F. was a discriminatory location dated around/about 2000), DOCCS Directive and Facility Operations Manual Title and any similar Policy, Rules, Regulations, Evaluations, Vacancy Posting, SYSM INBASKET PRINT, ELMS Online Lists/Agency List), All documents received from NYS PERB (Improper Practices), All documents received from the NYS DOCCS Office of Special Investigation (received regarding Shirley A Dimps), All documents received from CSEA in regards to Shirley A. Dimps, All documents received from NYS Civil Service in regards Shirley A. Dimps as well as Job Postings and Examinations and NYS CS "Notice of Examination

Results, All Agendas received from Shirley A. Dimps at the Lake Placid Conferences for DOCCS/CSEA for Local Presidents, Listings of all Local Presidents for the facilities from 2005-2020, Topic Listing on all training provided to employees at DOCCS/Taconic C. F. from 2005 to 2020, all documents received from the Governor's Office of Employees Relations regarding grievances & hearings (Arbitrations) regarding DOCCS/Taconic C. F., All documents in reference to for Hazard Duty Pay, Longevity Payments and Medical Records as well as information from Industrial Medicine Associates and Hearing Examination. All documents issued to Shirley A. Dimps after June 1, 2020 (the retirement date) which is not limited to. Plaintiffs reserve the right to add additional requests.

3. Document Requests (Continued)

From the period of July 7, 2005, to June 2020, produce all documents in the "personnel records," relating to any disciplinary investigations, notices of discipline, or adverse personnel actions, for the following employees or former employees:

Superintendents: Tanya Mitchell-Voyd, Wendy Featherstone, Patty Nelson, D. Thornton, Acting Supt. Andrea Hester/DSA Deputy Superintendent of Administration. DSA Bridget Wojnar and Anthony Chu, Eileen Russell Deputy Supt. of Programs, Institution Steward: Paul E. Rice, Richard Kearney (2005). and Antoinette Stovall OA3 (Personnel), Nuala O'Donohue (Supervisor), Robert Schmelmer (Maintenance Supervisor) Sarah Swint, Blesson Koshy, Thomas V. Chacko, Kuriakose T. Chacko (male), Dana Dicastro, Elizabeth Jallow and Rajul V. Patel as well as from DOCCS John A. Shipley Director of Labor Relations, Darren Ayotte Director of Personnel and 3 DOCCS Commissioners. Plaintiffs reserve the right to add additional employees from DOCCS/DOCCS facilities and Taconic C. F.

Dated: May 29, 2024
Bronx, New York



Shirley A. Dimps-Hall, Plaintiff, Pro Se
20 West Mosholu Parkway South,
Tower A, 31c
Bronx, New York 10468
(347) 641-7250
shirleydimps93@gmail.com